

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

***C. W. P. No. 4734 of 2007
Date of Decision: March 29, 2007***

Gurbachan Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

***Coram: Hon'ble Mr.Justice J.S.Khehar
Hon'ble Mr.Justice S.D. Anand***

Present: Mr.Amrik Singh, Advocate for the petitioner.

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J.S. KHEHAR , J. (oral)

The petitioner claims to have been inducted into the service of the respondent as a driver. He also claims to have been regularized in service by an order dated 1.9.1986. Having rendered adequate service with the respondents, the petitioner was granted out of turn increment under the Assured Career Progression Scheme, on completion of eight years of service, with effect from 24.8.1991. Through the instant writ petition, the petitioner claims that he was entitled to the second out of turn increment on completion of 16 years regular service with effect from 24.8.1999. It is also the contention of the learned counsel for the petitioner that despite numerous representations made by the petitioner followed by a legal notice dated 26.12.2005 (Annexure P5), the claim of the petitioner for the grant of the second out of turn increment under the Assured Career Progression Scheme has not been adjudicated upon.

Learned counsel for the petitioner states that the petitioner will be satisfied if the instant writ petition is disposed of with a

direction to respondent No.3 i.e. Civil Surgeon, Fatehgarh Sahib requiring him to take a final decision on the legal notice dated 26.12.2005 (Annexure P5).

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition, by directing respondent No.3 i.e. Civil Surgeon, Fatehgarh Sahib to take a final decision on the legal notice dated 26.12.2005 (Annexure P5) by passing a well reasoned speaking order, within two months from the date of receipt of a certified copy of this order. In case, the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month. It is, however, clarified that the petitioner shall be entitled to arrears eliminated to period three years and two months before the filing of the instant writ petition. It is also clarified that the instant writ petition came to be filed on 28.3.2007.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S.Khehar)
Judge

(S.D.Anand)
Judge

March 29, 2007
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